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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,562	03/31/2004	Mark R. Colgrove		6899

7590 12/20/2005
Mark R. Colgrove
310 Cherry Street
Oxford, NC 27565

EXAMINER

SMITH, TIMOTHY SCOTT

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/814,562	Applicant(s) COLGROVE, MARK R.	
	Examiner Timothy S. Smith	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-14-05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,9-13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 3-8, 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4-22-05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action represents a non-final first Office Action for the application titled "SUPPORT APPARATUS," filed March 31, 2004.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claim 19 recites the limitation "attached to the first and second legs" in lines 5 and 6. There is insufficient antecedent basis for this limitation in the claim. It is suggested that applicant change the limitation in lines 5 and 6 to –attached to the front and rear legs–.

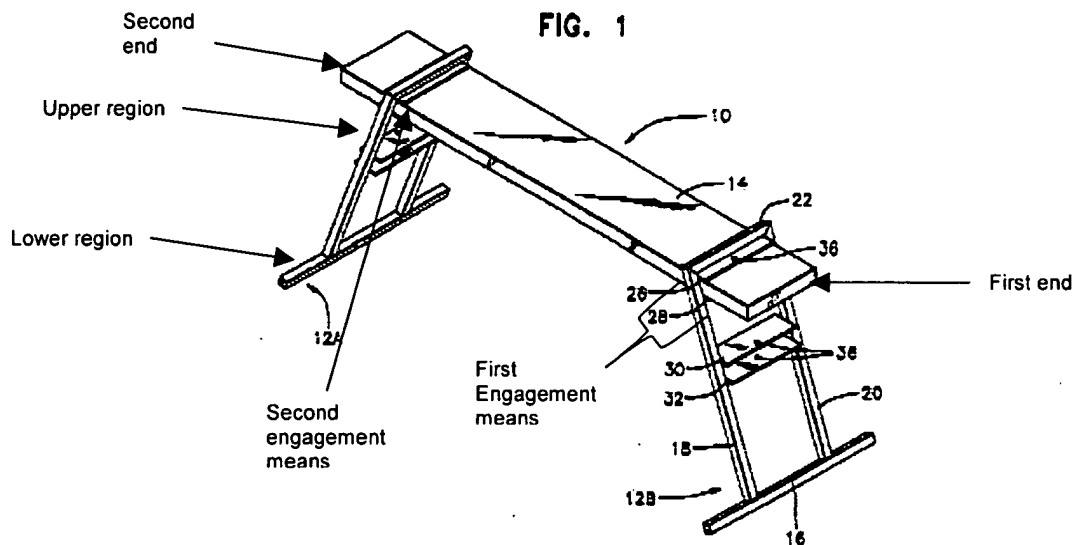
Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 10-13, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,678,655 to Bearden.



Bearden discloses a modular support apparatus (10) comprising: a first support frame (12a), a second support frame (12b), and an adjustable linking member (14), wherein each support frame has a lower region (above), an upper region (above), and at least one engagement means (above) proximate the upper region thereof, wherein said linking member has a first end (above) and a second end (above) for engagement with the first (26 & 28) and second (26 & 28, opposite first engagement means) engagement means of the respective support frame, and whereby each end of the linking member is removable from the engagement means of the respective support frame (pin 34 may be removed from apertures 36 and linking member may then be slid out of the engagement means), wherein each of said first and second engagement means comprises inner (28) and outer (26) bracing means, the inner bracing means having an aperture (36) aligned with an aperture (36) of the outer bracing means,

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whereby the linking member is engaged by both bracing means (first end of said engagement member is engaged by first engagement means, and second end of said linking member is engaged by second end of said linking member) of each of said engagement means simultaneously and in said apertures thereof (linking member is engaged with apertures 36), wherein the support apparatus is on solid ground, wherein the lower region of each support frame has a base for contacting the ground, wherein the distance between said base of the first support frame and said base of the second support frame is greater than the distance between the engagement means of the first support frame and the engagement means of the second support frame (see figure above), whereby the application of a downward force to the support apparatus causes at least one of said engagement means to apply a gripping couple to the linking member, whereby said gripping couple restricts the motion of the linking member with respect to said at least one engagement means, and wherein the linking member is adjustably attached from said first engagement means.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bearden.

Bearden discloses the support apparatus as applied above, but fails to disclose at least one planar support element positioned upon top of said linking member, wherein an upper surface of said planar support element is coplanar with at least part of an upper surface of each support frame. Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a planar support element on top of said linking member wherein doing so would allow one to adjust the height of the working surface to accommodate different projects that require use of the support apparatus.

Allowable Subject Matter

Claims 3-8, and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 3, the prior art as previously applied against claim 2 failed to teach a support frame having a front leg and a rear leg attached from and positioned internally between said inner and outer bracing means.

Regarding claim 14, the prior art as previously applied against claim 13 failed to teach a front and rear linking members, wherein the front linking member may be inserted into the front engagement means of each support frame, and wherein the rear linking member may be inserted into the rear engagement means of each support frame.

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Claim 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 145,174 to Harden, 563,309 to Reeves, and 5,427,200 to Yemini et al.

The above mentioned references disclose support apparatus' relevant to the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Smith whose telephone number is 571-272-8296. The examiner can normally be reached on M-F: 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

TSS

Timothy S. Smith
Patent Examiner
Art Unit 3632
December 12, 2005

 12/12/05

ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
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